

Message Text

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PAGE 01 IAEA V 00869 311558Z

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INFO OCT-01 ARA-16 IO-14 ISO-00 SSO-00 ACDA-19 CIAE-00

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC IMMEDIATE 3888

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E. O. 11652: N/A

TAGS: IAEA, TECH, MX, US

SUBJECT: PROJECT AND SUPPLY AGREEMENTS FOR MEXICAN NUCLEAR
POWER REACTOR

1. AGENCY ADVISES MISSION OF FOLLOWING SUGGESTED CHANGES
TO DRAFT SUPPLY AGREEMENT REQUESTED FROM GOM:

A. ARTICLE III.1(B)--INSERT FOLLOWING LANGUAGE AT END OF
SECOND SENTENCE, I.E., AFTER "METHOD OF SHIPMENT". "PROVIDED
THAT THE GOVERNMENT OF THE UNITED STATES OF AMERICA SHALL
FACILITATE THE ISSUANCE OF ANY LICENSES OR PERMITS IT MAY REQUIRE."
COMMENT: AGENCY BELIEVES THIS IS QUESTION PRIMARILY FOR U.S.
AND WOULD APPRICATE U.S. VIEWS. AGENCY ALSO SUGGESTED PROPOSED
ADDITION MIGHT BEST FOLLOW END OF FIRST SENTENCE INSTEAD
OF SECOND SENTENCE. MOREOVER. AGENCY INDICATED THAT IF U.S.
AGREES IN PRINCIPLE TO CONCEPT EMBODIED IN THE PROPOSED LANGUAGE,
U.S. MIGHT WISH TO SUBSTITUTE "COMMISSION" FOR "GOVERNMENT OF
THE USA" AND "REQUIRED" FOR "IT MAY REQUIRE".

B. ARTICLE VII-- ADD FOLLOWING SENTENCES AT END OF THIS
ARTICLE: "IN PASSING A RESOLUTION, WHICH SHALL BE DIFINITIVE,
THE TRIBUNAL SHALL APPLY THE NORMS OF
INTERNATIONAL LAW AS WELL AS THE GENERAL PRINCIPLES OF LAW
GENERALLY ACCEPTED. THE TRIBUNAL SHALL HAVE NO JURISDICTION
IN MATTERS OF THE JURISDICTION OF THE DOMESTIC COURTS OF MEXICO
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PAGE 02 IAEA V 00869 311558Z

OR OF THE UNITED STATES". COMMENT: AGENCY NOT RPT NOT SYMPATHETIC

TO THIS ADDITION, NOTING THAT ARBITRAL TRIBUNALS NORMALLY ESTABLISH THEIR OWN PROCEDURES, ETC. AGENCY ALSO STRONGLY PREFERS THAT TEXT NOT RPT NOT MENTION NATIONL JURISDICTIONS. AGENCY REQUESTS U.S. VIEWS.

C. ARTICLE IX-- DELETE SECOND SENTENCE. COMMENT: AGENCY INDIFFERENT TO THIS SUGGESTED CHANGE, NOTING THAT FIRST SENTENCE ALREADY SPECIFIES THAT SUPPLY AGREEMENT AND LONG-TERM CONTRACT SHALL BE SUBJECT TO AND IN ACCORDANCE WITH THE AGREEMENT FOR COOPERATION.

2. AGENCY WOULD APPRECIATE U.S. COMMENTS SOONEST, PRIOR TO RESPONDING TO GOM. LABOWITZ

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